

### **Examiner's Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Benjamin Vastine on 11/20/2009.

#### **In the claims:**

In claim 23, line 13, after "(IV)" insert -- and the vinyl ester units (V), expressed as mole % --.

In claim 24, in the line fifth from the end, change "alcohol" to -- ester --.

In claim 25, line 2, change "22" to -- 24 --.

### ***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

None of the reference cited on the record, including those cited on the International Search Report, disclose or reasonably suggest a copolymer which has the required monomer percentages and the combination of (i) the required range of acid/lactone terminal groups and (ii) the required range of 1,2-glycol groups. Applicants' examples and those shown in the previously cited references indicate that each of the functional groups specified in properties (i) and (ii) are inherently formed in the process of making the EVOH copolymer; however, while the specific amount of each type of functional group formed in any particular sample is substantially affected by subtle changes in the method of making the copolymer, no basis for predicting the value of resulting properties (i) or (ii) can be discerned. Furthermore, applicants have demonstrated that materials with all of the claimed properties show superior performance.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rábago whose telephone number is (571) 272-1109. The examiner can normally be reached on Monday - Friday from 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roberto Rábago/  
Primary Examiner  
Art Unit 1796

RR  
November 20, 2009